

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

**SUSAN CAPRIOTTI AND BARRY
CAPRIOTTI**

CIVIL ACTION NO. _____

VERSUS

JUDGE _____

BROOKSHIRE GROCERY COMPANY

MAGISTRATE JUDGE _____

NOTICE OF REMOVAL WITH JURY DEMAND

NOW INTO COURT, through undersigned counsel, comes Defendant Brookshire Grocery Company (“Brookshire”), who, pursuant to 28 U.S.C. § 1441, *et seq.*, represent as follows:

1.

Brookshire is a Texas corporation with its principal place of business in Texas.

2.

Plaintiffs Susan Capriotti and Barry Capriotti (collectively, “Plaintiffs”) are both individuals of the full age of majority domiciled in either Louisiana or Wisconsin.

3.

Plaintiffs filed a Petition on June 26, 2017, in the 26th Judicial District Court, Webster Parish, Louisiana, as docket number 76289. A copy of the Petition is attached hereto as Exhibit A.

4.

This Court is the district and division within which the above-described state court action is pending.

5.

In the Petition, Plaintiffs makes no statement as to whether their claims exceed the \$75,000 threshold necessary for removal of the state court action to federal court under 28 U.S.C. § 1332(a).

6.

However, on March 6, 2018, Plaintiffs provided to Brookshire their written responses to Interrogatories and Requests for Production of Documents previously propounded. Therein, in Answer to Interrogatory No. 25, Plaintiffs contend that their claims, inclusive of all general and special damages, do exceed \$75,000. A copy of Plaintiffs' discovery responses is attached hereto as Exhibit B.

7.

Based upon the information contained in Plaintiffs' written discovery responses, Brookshire avers that the amount in controversy does exceed the amount of \$75,000.00, exclusive of interests and costs, such that this Court has jurisdiction over this action.

8.

Brookshire was served with Plaintiffs' written discovery responses on March 6, 2018. As such, this Notice of Removal is being timely filed within the 30-day time period required by 28 U.S.C. § 1446(b)(3).

9.

Plaintiffs were domiciled in Louisiana at the time the state court action commenced. Plaintiffs are now domiciled in Wisconsin.

10.

Brookshire is, and was at the time the state court action commenced, a Texas corporation with its principal place of business in Texas. At no time was Brookshire a citizen of Louisiana or Wisconsin.

11.

Accordingly, complete diversity of citizenship exists between Plaintiffs and Brookshire.

12.

Moreover, pursuant to information provided by Plaintiffs in their written discovery responses, the amount in controversy, exclusive of interest and costs, exceeds the sum of \$75,000.00.

13.

Therefore, pursuant to 28 U.S.C. § 1332(a), this Court has original jurisdiction over this matter.

14.

Brookshire will promptly serve written notice of the filing of this Notice of Removal with the Clerk of Court for the 26th Judicial District Court, Webster Parish, Louisiana, and to all adverse parties, in accordance with 28 U.S.C. § 1446(d).

15.

Brookshire respectfully requests a trial by jury on all issues herein.

WHEREFORE, Brookshire prays that this Notice of Removal be deemed good and sufficient, and that the aforesaid state court action be removed from the docket of the 26th

Judicial District Court, Webster Parish, Louisiana, to the docket of the United States District Court for the Western District of Louisiana-Shreveport Division.

Respectfully submitted,

LUNN, IRION, SALLEY, CARLISLE & GARDNER

BY: _____


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ATTORNEYS FOR BROOKSHIRE GROCERY
COMPANY

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing *Notice of Removal* has been served on all counsel of record by facsimile, this 8th day of March 2018.


